

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JAMES E. WASHINGTON,
Petitioner,
v.
PAUL M. SCHULTZ,
Respondent.
CV F 05-0480 OWW WMW HC
ORDER RE MOTION FOR
EXTENSION OF TIME AND
MOTION TO FILE MOTION
TO DISMISS
[Doc. 30]

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 8, 2007, the court entered an order requiring Respondent to file an answer in this case by April 12, 2007. On April 9, 2007, Respondent filed a motion for an extension of time and for permission to file a motion to dismiss instead of an answer. The court has considered Respondent's arguments and HEREBY GRANTS Respondent permission to file a motion to dismiss instead of an answer. However, Respondent must still

address Petitioner's claim of actual innocence, as previously ordered. Good cause appearing, Respondent's motion to dismiss is GRANTED and Respondent shall file his response to the petition on or before April 18, 2007. Petitioner shall have thirty (30) days thereafter to file a response.

IT IS SO ORDERED.

Dated: April 10, 2007 **/s/ William M. Wunderlich**
UNITED STATES MAGISTRATE JUDGE